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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Stephanie Parlamas

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EXAMINER

LEE, BRYAN Y

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/828,950	<b>Applicant(s)</b> PARLAMAS ET AL.	
	<b>Examiner</b> BRYAN LEE	<b>Art Unit</b> 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 7 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to **claims 1-16** have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim(s) 1, 4, 7-9 and 14** is/are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,406,168 B2 to *Celi, JR. et al.* ("*Celi*").

As to **claim 1**, *Celi* disclose(s) a signaling method for use in setting up internet protocol network calls, wherein said internet protocol network comprises an application server for providing call feature processing, said method comprising the steps of:

receiving at an application server (*Celi*; Fig. 1; 105; Connection Server) call information (*Celi*; Fig. 4; call information request) whereby said application

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server is inserted into a signaling path for said call; (*Celi*; col. 8; ll. 12; communication path)

determining, at said application server, whether said application server is required in the signaling path to complete call setup for said call; and (*Celi*; Fig. 4; Step 460; if more resource need to be queried then the connection manager repeats the determination process as needed)

if said application server is not required in the signaling path to complete said call setup, said application server removing itself from the signaling path. (*Celi*; col. 8; ll. 12; otherwise if call can be resolved then the "connection manager can remove itself from the communication path")

As to **claim 4**, *Celi* further disclose(s) a method wherein, if said determining step determines that said application server is required in said signaling path to complete call setup, said method further comprising the steps of:

said application server providing feature processing for said call; and (*Celi*; processing services are provided through telephony resources 120 and 125; col. 4, ll. 4-16)

said application server thereafter determining that it is not required in said signal path to complete call setup and removing itself from the call signaling path. (*Celi*; col. 8; ll. 12; otherwise if call can be resolved then the "connection manager can remove itself from the communication path")

As to **claim 7**, *Celi* further disclose(s) a method wherein said step of removing occurs prior to completion of call setup. (*Celi*; col. 8, ll. 9; call engine can terminate involvement during “call setup functions”)

As to **claim 8**, *Celi* disclose(s) signaling method for use in setting up internet protocol network calls, wherein said internet protocol network comprises an application server for providing call feature processing, said method comprising the steps of:

receiving at an application server (*Celi*; Fig. 1; 105; Connection Server) a request (*Celi*; Fig. 4; call information request) for call feature processing for a call whereby said request inserts said application server in a signaling path for call setup; (*Celi*; col. 8; ll. 12; communication path)

said application server providing said call feature processing; and  
(connection server provides processing services through telephony resources 120 and 125; col. 4, ll. 4-16)

said application server removing itself from said signaling path upon a determination that it is no longer required in said signaling path for call setup. (*Celi*; col. 8; ll. 12; otherwise if call can be resolved then the “connection manager can remove itself from the communication path”)

As to **claim 9**, *Celi* disclose(s) a method wherein said step of removing occurs prior to completion of call setup. (*Celi*; col. 8, ll. 9; call engine can terminate involvement during “call setup functions”)

As to **claim 14**, *Celi* disclose(s) a network node for providing call feature processing during setup of internet

protocol network calls, said network node (*Celi*; Fig. 1; 105; Connection Server) comprising of:

means for receiving call information; (*Celi*; Fig. 4; call information request)

means for determining whether said network node is required in a signaling path to complete call setup for said call; and(*Celi*; Fig. 4; Step 460; if more resource need to be queried then the connection manager repeats the determination process as needed)

means for said network node removing itself from the signaling path if is not required in the signaling path to complete said call setup. (*Celi*; col. 8; ll. 12; otherwise if call can be resolved then the "connection manager can remove itself from the communication path")

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim(s) 2, 5, 6 and 15** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,406,168 B2 to *Celi, JR. et al.* ("*Cell*") in view of "RFC3261: SIP Session Initiation Protocol" to *Rosenberg et al.* ("*RFC3261*").

As to **claim 2**, *Celi* do(es) not expressly disclose a method wherein said step of said application server removing itself from the call signaling path further comprises the step of:

transmitting an SIP REDIRECT message to a call control element (*Celi*; *SIP Proxy*; 360; Fig. 3).

*RFC3261* disclose(s) using SIP REDIRECT Messages to remove a SIP network entity from a call path. (*RFC3261*; p. 51; taking a server out of loop)

*Celi* and *RFC3261* are analogous art because they are from the same field of endeavor with respect to SIP.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the REDIRECT aspect of *RFC3261* with the method of *Celi*. The suggestion/motivation would have been to reduce the processing load, i.e. increase efficiency. (*RFC3261*; p. 51; "reduce the processing load")

As to **claim 5**, *Celi* do(es) not expressly disclose a method wherein:  
said step of said application server providing said feature processing further comprises the step of sending an SIP INVITE message to a call control element (*Celi*; *SIP Proxy*; 360; Fig. 3) in order to invoke service of another network server; and

*RFC3261* disclose(s) using SIP INVITE messages to establishing connection between SIP participants. (*RFC3261*; p. 20; "the INVITE method")

*Celi* and *RFC3261* are analogous art because they are from the same field of endeavor with respect to SIP.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the INVITE aspect of *RFC3261* with the method of *Celi*. The suggestion/motivation would have been to use a standard method of connecting SIP participants. (*RFC3261*; p. 20; “the INVITE method”)

*Celi* also do(es) not expressly disclose said step of said application server removing itself from the call signaling path further comprises the steps of sending to said call control element a) an SIP redirect message or SIP REFER message, and b) an SIP cancel to cancel said INVITE message.

*RFC3261* disclose(s) canceling SIP INVITE messages. (*RFC3261*; p. 114; CANCEL request)

*Celi* and *RFC3261* are analogous art because they are from the same field of endeavor with respect to SIP.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the canceling aspect of *RFC3261* with the method of *Celi*. The suggestion/motivation would have been to cancel the invitation in a standard manner. (*RFC3261*; p. 114; CANCEL request)

As to **claim 6**, *Celi* further disclose(s) a method wherein said another network server is a media server and wherein said invoked service is collection of caller input. (*Celi*; Fig. 1; Application Platforms 120 & 125; provide call processing services – wherein “voice response services” teach caller input.)



As to **claim 15**, *RFC3261* disclose(s) a network node wherein said means for removing further comprises:

means for transmitting an SIP redirect message to a call control element.

See similar rejection and motivation to claim 2, where the node is taught by the method of 2.

6. **Claim(s) 3 and 16** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,406,168 B2 to *Celi, JR. et al.* ("*Cell*") and in further view of "RFC3515: The Session Initiation Protocol (SIP) Refer Method" to *Sparks* ("*RFC3515*").

As to **claim 3**, *Celi* do(es) not expressly disclose a method wherein said step of said application server removing itself from the call signaling path further comprises the step of:

transmitting an SIP REFER message to a call control element.

*RFC3515* disclose(s) using SIP REFER messages to refer a SIP participant to a SIP resource. (*RFC3515*; p. 1)

*RFC3515* and *Celi* are analogous art because they are from the same field of endeavor with respect to SIP.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the REFER aspect of *RFC3515* with the method of *Celi*. The suggestion/motivation would have been to enable features such as call transfers. (*RFC3515*; p. 2)

As to **claim 16**, *RFC3515* disclose(s) a network node wherein means for removing further comprises:

means for transmitting an SIP REFER message to a call control element.

See similar rejection and motivation to claim 3, where the node is taught by the method of 3.

7. **Claim(s) 10-13** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,406,168 B2 to *Celi, JR. et al.* ("*Cell*") in view of U.S. Pre-Grant Publication 2002/0194331 A1 to *Lewis et al.* ("*Lewis*").

As to **claim 10**, *Celi* do(es) not expressly disclose a method wherein said step of providing said call feature processing further comprises the step of:

determining a primary and alternate routing number for said call.

*Lewis* disclose(s) determining primary and alternate destinations for a call. (*Lewis*; [0053])

*Celi* and *Lewis* are analogous art because they are from the same field of endeavor with respect to SIP.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the alternate destination aspect of *Lewis* with the method of *Celi*. The suggestion/motivation would have been to notify someone of an incoming call even if his/her primary address is busy. (*Lewis*; [0053])

As to **claim 11**, *Celi* do(es) not expressly disclose a method wherein said step of removing occurs immediately subsequent to said determining step.

*Celi* does disclose(s) removing a connection manager once the manager is no longer needed in the connection path. (*Celi*; col. 8; ll. 12) *Lewis* discloses a

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connection manager that handles alternate destinations. (*Lewis*; [0053])

Combining the connection manager of *Celi* with the one in *Lewis* would be obvious to remove the connection only after the alternate destination is handled.

*Celi* and *Lewis* are analogous art because they are from the same field of endeavor with respect to SIP.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the connection manger of *Celi* with the connection manager of *Lewis*. The suggestion/motivation would have been to notify someone of an incoming call even is his/her primary address is busy. (*Lewis*; [0053])

As to **claim 12**, *Lewis* and *Celi* further discloses a method wherein said step of providing said call feature processing further comprises the steps of:

determining a primary routing number for said call; (*Lewis*; [0053]; the mobile station is the primary destination)

sending said primary routing number to a network element; (*Lewis*; [0053]; the routing info is sent to the service control point or SCP, which is an element on the network)

receiving an indication for an alternate routing number; and(*Lewis*; [0054]; the service profile specifies alternate destinations)

determining said alternate routing number. (*Lewis*; [0053]; if mobile station is busy use the alternate instead)

See similar motivation to claim 10.

As to **claim 13**, *Lewis* and *Celi* further disclose(s) a method wherein said step of removing occurs immediately subsequent to said step of determining said alternate routing number. (*Celi*; col. 8; ll. 12; otherwise if call can be resolved then the "connection manager can remove itself from the communication path")

See similar motivation to claim 11.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN LEE whose telephone number is (571)270-5606. The examiner can normally be reached on 9/4/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/B. L./  
Examiner, Art Unit 2445

/Larry D Donaghue/  
Primary Examiner, Art Unit 2454